

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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<b>TZVI WEISS, et al.,</b>	:	<b>Case No. 05 CV 4622 (CPS)(KAM)</b>
	:	
<b>Plaintiffs,</b>	:	<b>Honorable Charles P. Sifton</b>
<b>-against-</b>	:	
	:	<b>Mag. Judge Kiyo A. Matsumoto</b>
<b>NATIONAL WESTMINSTER BANK, PLC</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

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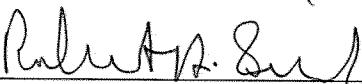
**NOTICE OF MOTION TO WITHDRAW AS COUNSEL**

PLEASE TAKE NOTICE that pursuant to Local Rule 1.4 – and upon the Declaration of Robert A. Swift dated August 10, 2007 and the Proposed Order granting the relief sought therein – Robert A. Swift will move before the Honorable Charles P. Sifton, at such time as shall be determined by the Court, at the United States Courthouse, Courtroom # 6A South , 225 Cadman Plaza East, 11201, to withdraw as counsel of record for all plaintiffs in Weiss, et al. v. National Westminster Bank, PLC, Case No. 05 CV 4622 (CPS)(KAM). Said plaintiffs will continue to be represented by Robert A. Swift's firm, Kohn, Swift, & Graf, P.C., and its co-counsel, the law firms of Osen & Associate LLC and Glancy Binkow & Goldberg LLP.

DATED: August 10, 2007

KOHN, SWIFT & GRAF, P.C.

By

  
Robert A. Swift, admitted pro hac vice  
One South Broad Street, Suite 2100  
Philadelphia, PA 19107  
(215) 238-1700

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Plaintiffs,	:	Honorable Charles P. Sifton
-against-	:	
	:	Mag. Judge Kiyo A. Matsumoto
NATIONAL WESTMINSTER BANK, PLC	:	
	:	
Defendant.	:	
	:	

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**DECLARATION OF ROBERT A. SWIFT**  
**IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL OF RECORD**

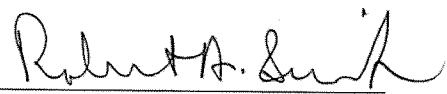
I, Robert A. Swift, declare as follows:

1. I am a shareholder and director of the law firm of Kohn, Swift & Graf, P.C., counsel of record for the Plaintiffs in Weiss, et al. v. National Westminster Bank, PLC, Case No. 05 CV 4622 (CPS) (KAM) (the “Weiss Plaintiffs”) in the above-captioned matter (the “Action”).
2. I submit this declaration in support of my motion to withdraw as counsel of record for the Weiss Plaintiffs.
3. On December 8, 2005, the Court entered an Order granting my motion to be admitted *pro hac vice* in the Action. Since then, I have served as counsel for the Weiss Plaintiffs in the Action. I am seeking to withdraw because of professional differences with co-counsel unrelated to the merits of this litigation and request that I be removed from the list of attorneys who receive notices regarding the Action from the ECF system.
4. Two attorneys from my firm, Steven M. Steingard and Stephen H.

Schwartz have appeared for the Plaintiffs in the Action and will continue to represent them on behalf of Kohn, Swift & Graf, P.C. Joseph C. Kohn has been admitted *pro hac vice* in the Action and Neil L. Glazer is in the process of completing the paperwork necessary to appear for the Plaintiffs in the Action on behalf of my firm. The Weiss Plaintiffs are also represented by two other firms: Osen & Associate LLC, and Glancy Binkow & Goldberg LLP (together, the "Co-Counsel"). The Weiss Plaintiffs will continue to be represented by Co-Counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 10, 2007

  
\_\_\_\_\_  
Robert A. Swift

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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-against-	:	
	:	Mag. Judge Kiyo A. Matsumoto
	:	
NATIONAL WESTMINSTER BANK, PLC	:	
	:	
	:	
Defendant.	:	
	:	

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**[PROPOSED] ORDER GRANTING  
MOTION TO WITHDRAW AS COUNSEL**

WHEREAS, plaintiffs in the matter of Weiss, et al. v. National Westminster Bank, PLC, Case No. 05 CV 4622 (CPS)(KAM) (the “Weiss Plaintiffs”) have been represented by, among others, Robert A. Swift and the firm of Kohn, Swift & Graf, P.C.; and

WHEREAS, Robert A. Swift has moved to withdraw as counsel of record for the Weiss Plaintiffs in the above-captioned matter; and

WHEREAS, Kohn, Swift & Graf, P.C. will continue to serve as co-counsel, along with the firms of Osen & Associate, LLC, and Glancy Binkow & Goldberg LLP, for the Weiss Plaintiffs; and

WHEREAS, this motion was made timely.

**WHEREFORE, IT IS HEREBY ORDERED as follows:**

Robert A. Swift is permitted to withdraw as counsel in the above-captioned actions. The Clerk of Court is instructed to remove Robert A. Swift from the list of attorneys

receiving notices regarding the above captioned action and all related actions from the Electronic Case Filing system.

SO ORDERED:

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U.S.D.J.

DATED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007

**CERTIFICATE OF SERVICE**

I, Steven M. Steingard, hereby certify that on August 10, 2007, I caused the attached Notice of Motion to Withdraw as Counsel, Declaration of Robert A. Swift and Proposed Order to be served in accordance with the Federal Rules of Civil Procedure, and/or the Court's Local Rules, and/or the Rules on Electronic Service, upon the following counsel by indicated means:

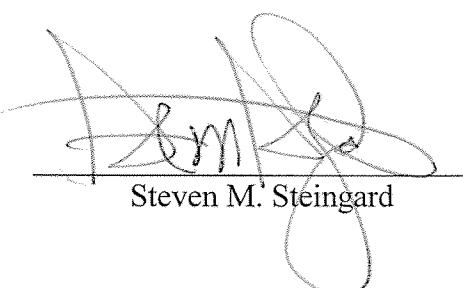
**Counsel for Defendant By Electronic Mail**

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Steven M. Steingard